

**POLICY AND LAW COMMITTEE MEETING
JUNE 14, 2007 – 1 PM
APPOQUINIMINK STATE SERVICE CENTER – MIDDLETOWN, DE**

Present: Daniese McMullin-Powell, SCPD; Brian Hartman, DLP; Victor Orija, Ombudsman's Office; Tim Brooks, CDS; Doyle Dobbins, DELARF; Tony Horstman, Parent; Liz Schantz, Consumer; Wendy Strauss, GACEC; Pat Maichle, DDC; Brian Bard, Consumer; Bob Osgood, SCPD; Carolanne O'Brien, DVR; Rita Marocco, NAMI-DE; Chris Long, DHSS/DDDS; Kyle Hodges, Staff.

Absent: Jamie Wolfe, Consumer; Regina Byers, GCAAPD; Al Rose, DDC; Marge Turner, UCP; Ray Brouillette, Easter Seals; Norwood Coleman, Family Member; Cookie Austin, Parent; Rita Landgraf, SCPD; Karen Lazar, Ombudsman's Office.

CALL TO ORDER

Bob Osgood called the meeting to order at 1:10 PM.

ADDITIONS OR DELETIONS TO THE AGENDA

The New Castle County Ordinance regarding the definition of family and HR 1279 were added to the agenda.

APPROVAL OF MINUTES

Motion was made, seconded and approved to accept the meeting minutes from May 8, 2007 as submitted.

REVIEW OF BILLS AND REGULATIONS

1. DSS Final Child Care Subsidy Regulation [10 DE Reg. 1826 (June 1, 2007)] – It was agreed no further action was needed.
2. DOE Final Health-Related Regulations [10 DE Reg. 1807 (June 1, 2007)] – Motion was made, seconded and approved to send DOE a “thank you” letter.
3. DOE Final Diploma Regulations [10 DE Reg. 1802 (June 1, 2007)] - Motion was made, seconded and approved to send DOE a “thank you” letter. It was agreed that 1 letter could be sent regarding regulations 1802 and 1807.
4. DOE Final Accountability Review Regulation [10 DE Reg. 1795 (June 1, 2007)] – It was agreed that SCPD would not take any action since there are no significant concerns and the regulation is not subject to the APA. It is being issued as a final regulation. GACEC will alert the DOE to an apparent discrepancy in Section 6.0.
5. DOE Final Special Education Regulations [10 DE Reg. 1816 (June 1, 2007)] – It was agreed that SCPD would not take any action since it did not have an opportunity to comment on pre-publication drafts of the regulations. It was recommended that GACEC issue a “thank you” letter to DOE since it provided extensive commentary which resulted in many amendments.

6. DOE Proposed ESY Regulations [10 DE Reg. 1758 (June 1, 2007)] – Motion was made, seconded and approved for SCPD to share observations consistent with Brian’s memo. Tim Brooks abstained.

7. DOE Proposed Special Education Eligibility Regulations [10 DE Reg. 1761 (June 1, 2007)] - Motion was made, seconded and approved for SCPD to share observations consistent with Brian’s memo. Tim Brooks abstained. Chris Long will share the information with DDDS.

8. DMMA Proposed LTC Annuity Regulation [10 DE Reg. 1781 (June 1, 2007)] - Motion was made, seconded and approved for SCPD to endorse the concept of the regulations consistent with the observations in Brian’s memo.

9. DMMA Prop. Pediatric Nursing Facility Reimbursement Reg. [10 DE Reg. 1780 (June 1, 2007)] - It was noted there was a committee established a few years ago which may have submitted a report on alternatives to nursing homes. Wendy will determine if there was such a report. If so, the 1st observation would also include a reference to the report and its recommendation of medical group homes for kids, and that DMMA may want to review the report to determine if there are options in that context to be pursued instead of nursing homes. Motion was made, seconded and approved for SCPD to send a letter to DMMA consistent with Brian’s memo with the 1st observation contingent on the aforementioned “strategy”. The letter will be copied to the Nursing Home Quality Assurance Commission, Senators Marshall and Blevins, and Rep. Maier.

10. DSS Proposed Food Stamp Verification Regulations [10 DE Reg. 1783 (June 1, 2007)] – It was agreed that SCPD would not take any action.

11. H.B. No. 173 (DUI Sentencing) – Doyle noted that the SCRAM (Secure Continuous Remote Alcohol Monitor) Project may have alternatives to incarceration for the target population. Doyle will research information on the SCRAM Project, and if relevant information is provided to Kyle in a timely manner, SCPD will include a recommendation in the last paragraph regarding costs that the Legislature may want to review the SCRAM Project findings which may provide alternatives to incarceration that are less costly to the state and still effective. In the 4th observation, it was agreed that the letter will note that SCPD has previously endorsed H.B. 71. Motion was made, seconded and approved for SCPD to send a letter to the Legislature consistent with Brian’s memo and the aforementioned recommendations.

12. S.B. No. 112 (Public Health Emergencies) – Kyle noted that he attended the Committee meeting regarding this bill and provided comments consistent with Brian’s observations. Kyle received an email on June 11th that DHSS agreed with the comments and Kyle sent another copy of Brian’s observations regarding this bill to DHSS. Motion was made, seconded and approved for SCPD to send a letter consistent with Brian’s memo.

***Please note that Kyle received another email from Lisa Schieffert, DHSS Policy Advisory, subsequent to the P&L (615/07) which stated the following:

I believe Lisa Henry contacted you last week and indicated that we would amend SB 112 to accommodate the concerns SCPD expressed during the committee meeting. I'm afraid Lisa spoke too soon. I understand the SCPD's suggestion, and we have discussed it at length, but the Department does not want to amend this bill, at this time, to include anyone else other than essential workers and their families.

The language you offered will be included in our general public health preparedness plan. If you feel that is not enough, then we would be happy to revisit the issue another time. Right now, it's imperative that we get this safeguard in place for our essential workers.

I apologize for the confusion. It was a miscommunication on our end.

Let me know if you have questions.

13. H.B. No. 167 (Hospital & LTC Facility Policies) – Kyle reported that he provided preliminary comments on behalf of SCPD to the primary sponsor (Rep. McWilliams) who was thankful for the comments and was aware of CLASIs previous comments which were provided prior to introduction of the bill. Rep. McWilliams had solicited input from CLASI and other attorneys prior to introduction of the bill. She considered all comments; however, the bill which was introduced and does not include any of CLASIs concerns. Kyle attended a Committee meeting on the bill on June 5th and it was tabled. However, it was voted out of Committee on June 12th. Brian recommended that DHSS take a position on this bill since it would affect many people in that system. Victor will address this through the proper channels. Kyle will email DHSS Division Directors, AARP, The Arc; and the Mental Health Association. Chris will contact Lisa Schieffert. Doyle will attempt to contact Rep. McWilliams. Motion was made, seconded and approved for SCPD to strongly oppose the bill consistent with Brian's memo. Chris Long abstained.

14. S.B. No. 90 (Sex Offender Management Board) – Motion was made, seconded and approved for SCPD to endorse the concept of the bill consistent with Brian's memo.

15. H.B. No. 178 (Hearing Aid Loan Bank) - Motion was made, seconded and approved for SCPD to strongly endorse the bill consistent with Brian's memo.

16. S.B. No. 94 (Nursing Home Administrators) - Motion was made, seconded and approved for SCPD to share the observations with the Legislature consistent with Brian's memo.

17. S.B. No. 29 (Sex Abuse Statute of Limitations) – Motion was made, seconded and approved for SCPD to endorse the concept of the bill consistent with Brian's memo.

*** Please note that that a letter was not sent as the bill passed the House on 6/20. However, SCPD informed Rep. Lavelle that it did endorse H.B. 242 which ensures that sovereign immunity is waived as to the State and its political subdivisions, including school districts for sexual abuse of a minor by an adult case. This is consistent with Brian's recommendations.

OTHER BUSINESS

New Castle County Ordinance Regarding the Definition of Family – This issue was addressed at the May Policy and Law Committee meeting. The proposed change to the Code is as follows: *Family*. Any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to ~~four~~ **(4) three (3)** unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common.

SCPD sent a letter on June 5th consistent with the discussion at the May P&L meeting. Daniese subsequently spoke with County Council President and noted SCPDs rationale for opposing the Ordinance. In addition, Daniese noted Council's comment that if prospect for passage of the

Ordinance appears likely, SCPD strongly encourages New Castle County to amend Ordinance 07-053 to create an exemption for persons with disabilities. Daniese reported that Paul Clark recommended that SCPD draft the amendment and provide it to him. Brian noted that one option is to amend the definition of group home; however, Paul Clark informed Brian, that NCC is thinking of amending the definition of group home. Another option is to amend this ordinance to exempt persons with disabilities. Brian will draft an amendment and SCPD will send it to the entire County Council.

H.R. 1279 (The Direct Support Professionals Fairness and Security Act) – SCPD commented on a version of this bill in 2006. Tony recommended that SCPD send another letter to Congressman Castle encouraging him to sign on to the bill. Motion was made, seconded and approved for SCPD to send a letter to Congressman Castle supporting the bill and encouraging him to sign on as a sponsor.

ADJOURNMENT

The meeting was adjourned at 3:05 PM.

Respectively submitted,

Kyle Hodges
SCPD Administrator
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